

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE  
6851 N.E. Loop 820, Suite 300  
North Richland Hills, TX 76180-6608  
(817) 770-8500  
FAX (817) 770-8508

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:	§	CASE NUMBER: 17-43040-RFN
STEPENIA PEYTON	§	
	§	CHAPTER 13
	§	
DEBTOR,	§	JUDGE RUSSELL F NELMS
	§	

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MOTION TO DISMISS WITH CERTIFICATION OF SERVICE AND NOTICE OF HEARING THEREON  
(IRS RETURN)

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Now comes Tim Truman, Standing Chapter 13 Trustee and files this motion pursuant to Section 1307 (c) of the Bankruptcy Code and Bankruptcy Rule 9014, and would respectfully show unto the Court as follows: This case should be **DISMISSED** for the following cause(s):

Debtor has failed to deliver to the Trustee, or file with the court, a copy of their 2017 tax return as required by Section 521 (f) (1) of the Bankruptcy Code, and Debtor has failed to cooperate with the Trustee as necessary to enable the Trustee to perform the Trustee's duties under Title 11 Section 1302 (b) as required by Section 521 (a)(3).

**WHEREFORE**, your Trustee prays that after notice and hearing, this Chapter 13 case be **DISMISSED**.

Respectfully submitted,

/s/ Tim Truman

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Tim Truman, Standing Chapter 13 Trustee  
State Bar No. 20258000  
6851 N.E. Loop 820, Suite 300  
North Richland Hills, TX 76180-6608  
(817) 770-8500

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**NOTICE OF HEARING TO THE DEBTOR AND DEBTOR'S ATTORNEY OF RECORD:**

You are notified of the filing of the foregoing Trustee's Motion. **A pre-hearing conference on the Trustee's Motion will be held on Friday, June 15, 2018 at 10:00 AM by the Trustee at 6851 N.E. Loop 820, Suite 300, Third floor, N. Richland Hills, TX 76180-6608.** Any objection or response to the proposed **MOTION** not resolved or defaulted at the pre-hearing conference will be heard by the Court at 8:30 AM, on **July 12, 2018, at 204 U.S. Courthouse, 10th and Lamar St., Fort Worth, Texas.** **YOU DO NOT HAVE TO ATTEND THE TRUSTEE'S PRE-HEARING CONFERENCE OR THE COURT HEARING UNLESS YOU OPPOSE DISMISSAL OF THE CASE.**

17-43040-RFN

STEPENIA PEYTON

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Trustee's "Motion to Dismiss with Certificate of Service and Notice of Hearing Thereon" was served on the parties listed below in the manner listed below on or before May 07 , 2018.

**BY FIRST CLASS MAIL:**

STEPENIA PEYTON, 2016 Rockcreek Drive, Arlington, TX 76010-0000

**BY ELECTRONIC SERVICE:**

LAW OFFICE OF DWAIN DOWNING PC, 1178 W PIONEER PKWY, ARLINGTON, TX 76013

AIS PORTFOLIO SERVICES, PO BOX 165028, IRVING, TX 75016

EVERETT LEGAL SERVICES, PO BOX 167544, IRVING, TX 75016

LINEBARGER GOGGAN BLAIR & SAMPSON LLP, 2777 N STEMMONS FWY #1000, DALLAS, TX 75207

LOCKE LORD, 2200 ROSS AVE STE 2800, DALLAS, TX 75201

United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242

/s/ Tim Truman

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Tim Truman, Trustee/State Bar No. 20258000